

March 24, 2008

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

*Via EFS-Web*

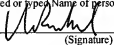
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P.O. Box 1450  
Alexandria, VA 22313-1450

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Mark C. Reichel

Printed or typed Name of person signing certificate



(Signature)

March 24, 2008

Date of Signature

Re: Notice of Appeal to Board of Patent Appeals and Interferences  
Title: INGESTION OF HYALURONIC ACID FOR IMPROVED JOINT HEALTH  
Inventors: LENEAU, Harry  
Serial No.: 10/629,880  
Filed: July 29, 2003  
Art Unit: 1615  
Examiner: SASAN, Aradhana  
Confirmation No.: 5579  
Our Docket No.: P00903-US-01 (21934.0001)

**NOTICE OF APPEAL FROM THE EXAMINER TO  
THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In response to the Final Office Action, dated September 24, 2007, and the Advisory Action, dated January 30, 2008, rejecting all claims in the above-referenced patent application, Applicant hereby appeals the rejection of all claims of the above-referenced application.

Attached hereto is a "Notice of Appeal from the Examiner to the Board of Patent Appeals and Interferences" form PTO/SB/31, along with a Certificate of Electronic Filing to certify that form PTO/SB/31, currently only providing a certification for facsimile transmission or mailing via first class mail, is being submitted on March 24, 2008. Also attached hereto is a "Petition for Extension of Time

under 37 C.F.R. § 1.136(a)" form PTO/SB/22, and duplicate copy thereof. Applicant hereby petitions for an extension of time of three (3) months, under 37 C.F.R. § 1.136(a), thereby extending the deadline for response pursuant to 37 C.F.R. § 1.136(a) to March 24, 2008. Applicant, during the electronic submission of the documentation referenced herein, shall authorize payment as of the day of filing via deposit account through EFS-Web in the amount of \$780.00 as payment of the Notice of Appeal fee under 37 C.F.R. § 41.20(b)(1) (\$255.00) as indicated in form PTO/SB/31 and the Petition for Extension of Time fee under 37 C.F.R. 1.136(a) and 37 C.F.R. 1.17(a)(3) (\$525.00) as indicated in form PTO/SB/22.

In the event that Applicant has inadvertently overlooked the need to pay an additional fee, Applicant conditionally petitions therefor, and authorizes that any deficiency be charged to Deposit Account 09-0007. When doing so, please make reference to our file number P00903-US-01 (21934.0001).

Sincerely,

ICE MILLER LLP



Mark C. Reichel  
Attorney for Applicant  
Attorney Registration No. 53,509

ICE MILLER LLP  
One American Square  
Suite 3100  
Indianapolis, Indiana 46282-0200  
Telephone: (317) 236-5882  
Facsimile: (317) 592-5453

Enclosures: Notice of Appeal from the Examiner to the Board of Patent Appeals  
and Interferences, PTO/SB/31 (in duplicate)  
Petition for Extension of Time under 37 C.F.R. § 1.136(a),  
PTO/SB/22 (in duplicate)  
Certificate of Electronic Filing

# NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

Docket Number (Optional)

P00903-US-01 (21934.0001)

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on \_\_\_\_\_

Signature \_\_\_\_\_

Typed or printed name \_\_\_\_\_

In re Application of  
LENEAU, Harry

Application Number  
10/629,880

Filed  
July 29, 2003

FOR INGESTION OF HYALURONIC ACID FOR IMPROVED JOINT HEALTH

Art Unit  
1615

Examiner  
SASAN, Aradhana

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the examiner.

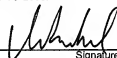
The fee for this Notice of Appeal is (37 CFR 41.20(b)(1)) \$ 510.00

- ☒ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: \$ 255.00
- ☐ A check in the amount of the fee is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☒ The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.
- ☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 09-0007. I have enclosed a duplicate copy of this sheet.
- ☒ A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

I am the

- ☐ applicant/inventor.
- ☐ assignee of record of the entire interest.  
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.  
(Form PTO/SB/96)
- ☒ attorney or agent of record. 53,509  
Registration number \_\_\_\_\_
- ☐ attorney or agent acting under 37 CFR 1.34.  
Registration number if acting under 37 CFR 1.34. \_\_\_\_\_



Signature

Mark C. Reichel

Typed or printed name

(317) 236-5882

Telephone number

3/24/2008

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below\*.

☒ \*Total of 2 forms are submitted.

This collection of information is required by 37 CFR 41.31. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**NOTICE OF APPEAL FROM THE EXAMINER TO  
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Docket Number (Optional)

P00903-US-01 (21934.0001)

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on \_\_\_\_\_

Signature \_\_\_\_\_

Typed or printed  
name \_\_\_\_\_

In re Application of  
**LENEAU, Harry**

Application Number  
**10/629,880**

Filed  
**July 29, 2003**

For **INGESTION OF HYALURONIC ACID FOR IMPROVED JOINT HEALTH**

Art Unit  
**1615**

Examiner  
**SASAN, Aradhana**

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the examiner.

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I am the

- ☐ applicant/inventor.
- ☐ assignee of record of the entire interest.  
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.  
(Form PTO/SB/98)
- ☒ attorney or agent of record. 53,509  
Registration number \_\_\_\_\_
- ☐ attorney or agent acting under 37 CFR 1.34.  
Registration number if acting under 37 CFR 1.34. \_\_\_\_\_

  
Signature

**Mark C. Reichel**  
Typed or printed name

**(317) 236-5882**  
Telephone number

**3/27/2008**  
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below\*.

☒ \*Total of 2 forms are submitted.

This collection of information is required by 37 CFR 41.31. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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### CERTIFICATE OF ELECTRONIC FILING

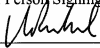
Re: Notice of Appeal From the Examiner to the Board of Patent Appeals and Interferences (PTO/SB/31)  
Title: INGESTION OF HYALURONIC ACID FOR IMPROVED JOINT HEALTH  
Inventors: LENEAU, Harry  
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Examiner: SASAN, Aradhana  
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Our Docket No.: P00903-US-01 (21934.0001)

Date of Deposit: March 24, 2008

I hereby certify that the above-identified Notice of Appeal documentation is being transmitted electronically to the Commissioner for Patents through the EFS-Web Filing System, on the date specified above.

Mark C. Reichel

(Name of Person Signing this Certificate)



Signature

3/24/2008

Date of Signature